

Notice of Allowability

Application No.

09/604,503

Applicant(s)

MONTAGUE, JOHN E.

Examiner

Art Unit

Romain Jeanty

3623

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/12/04 and 3/3/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 1:

Line 1, delete, "A computer-implemented of optimizing a campaign implemented in a computer readable medium comprising", insert -- A computer-implemented method for optimizing a campaign, using said computer to perform the steps comprising: --.

Line 12, before scope, delete "the", insert -- a --.

Line 15, after campaign, delete "can be", insert -- is --.

Line 15, before dynamically, delete "to", insert -- for --.

Line 15, delete "modify", insert -- modifying --.

Line 16, delete "and".

Line 17, after correlation, delete ".", insert -- ; and using said determined correlation for optimizing the campaign --.

Claim 8:

Lines 1-2, after A, delete "system for optimizing campaigns, implemented in a computer readable medium comprising", insert -- computer-implemented system for optimizing campaigns comprising --.

Line 12, before scope, delete "the", insert -- a --.

Line 15, after factor, delete "can be", insert -- is--.

Line 16, delete "to", insert -- for--.

Line 16, delete "alter", insert --altering--.

Line 20, after correlation, delete ".", insert --; and using said determined correlation to for optimizing said campaigns--.

Claim 15:

Lines 1-3, after A, delete "method of optimizing a contact list during a campaign implemented in a computer readable medium, comprising", insert -- computer-implemented system for optimizing a contact list during a campaign, using said computer to perform the steps comprising --.

Line 11, before scope, delete "the", insert -- a --.

Line 14, after factor, delete "can be" and insert --is--, after used, delete "to" and insert -- for--, after dynamically, delete "modify" and insert --modifying--, after intervals, delete "and".

Line 16, after correlation, delete ".", insert -- using said determined correlation for optimizing said contact list during the campaign--.

Authorization for this examiner's amendment was given in a telephone interview with Joseph P. Mehrle (Reg. No. 45,535) on March 3, 2005.

Allowable Subject Matter

2. Claims 1-20 are allowed.

3. The following is an examiner's statement of reason for allowance:

The closest prior art to Thearling (U.S. Patent No. 6,240,411) fails to teach the claimed invention. Thearling teaches a campaign management system for building a campaign. Thearling, taken alone or in combination, fails to teach determining at contact intervals if a correlation exists between completed contacts, and the contact intervals represent elapsed periods of time associated with environmental changes occurring outside a scope of the campaign ("the environmental changes" which is described in paragraph 1 of page 19 in the specification), and using said determined correlation for optimizing the campaign as recited in independent claims 1, and 8.

Claims 2-7, and 9-14 depend upon claims 1 and 8 and have all the limitations of claims 1 and 8 and are allowable for the same reason.

The closest prior art to Thearling (U.S. Patent No. 6,240,411) fails to teach the claimed invention. Thearling teaches a campaign management system for building a campaign. Thearling, taken alone or in combination, fails to teach determining at contact intervals if a correlation exists between completed contacts, and the contact intervals represent elapsed periods of time associated with environmental changes occurring outside a scope of the campaign ("the environmental changes" which is described in paragraph 1 of page 19 in the specification), and using said determined correlation for optimizing said contact list during the campaign as recited in independent claim 15.

Claims 16-20 depend upon claim 1 and have all the limitations of claim 15 and are allowable for the same reason.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Verba et al (U.S. Patent No. 6,236,977) teach a campaign engine for generating and storing a campaign population, a plurality of individual marketing campaign, each campaign is characterized by a plurality of campaign attributes.

b. Melchione et al (U.S. Patent No. 5,966,695) teach a marketing system which tracks the performance and make adjustments in a campaign.

c. Verba et al (WO200041119) disclose teaches a campaign engine for generating and storing a campaign population, a plurality of individual marketing campaign, each campaign is characterized by a plurality of campaign attributes.

d. Cannon (Wo99/46719) discloses a method for analyzing data and advertising optimization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

March 5, 2005



ROMAIN JEANTY
PRIMARY EXAMINER

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